

REMARKS

Applicants have carefully reviewed the Final Office Action mailed on January 2, 2009. Applicants respectfully traverse (and do not concede) all objections, rejections, adverse statements, and adverse assertions made by the Examiner. With this amendment, claim 15 is amended. No new matter is added. Claim 15 remains pending.

Claim Rejections under 35 U.S.C. §102

Claims 15 is rejected under 35 U.S.C. §102(e) as being anticipated by Grayzel et al. in U.S. Patent No. 6,942,680. Applicants respectfully traverse the rejection. However, in the interest of furthering prosecution claim 15 is amended to recite:

15. A cutting balloon catheter, comprising:
an elongate catheter shaft;
a balloon coupled to the shaft, the balloon having a first inflated configuration and a second non-inflated configuration, wherein the balloon has a plurality of wings formed therein when in the second configuration;
a metallic cutting blade for severing or breaking up a lesion affixed to the balloon, the cutting blade including means for cutting having two intersecting planes which form a cutting edge, including means for gripping thereon, having a longitudinal axis, and having a cross-sectional shape that is substantially triangular in a plane transverse to the longitudinal axis;
wherein the means for cutting and means for gripping are defined by a series of undulations on the cutting blade; and
wherein the undulations curve from side-to-side relative to the longitudinal axis.

Grayzel et al. do not teach or suggest all the limitations of amended claim 1. For example, the cited art does not teach or suggest a cutting blade including means for cutting, means for gripping, and a cross-sectional shape that is substantially triangular in a plane transverse to the longitudinal axis. Based on this distinction, Applicants respectfully submit that amended claim 15 is patentable over the cited art.

Claim Rejections under 35 U.S.C. §103

Claim 15 is rejected under 35 U.S.C. §103(a) as being unpatentable over Vigil et al. in U.S. Patent No. 5,320,634 in view of Parodi in U.S. Patent No. 5,250,070. Claim 15 is amended

as described above. Claim 15 now recites a metallic cutting blade including all of the features listed above.

Vigil et al. do not teach or suggest the claimed cutting blade. For example, Vigil et al. do not teach or suggest a cutting blade that includes means for cutting, means for gripping, a cross-sectional shape that is substantially triangular in a plane transverse to the longitudinal axis, and that the means for cutting and the means for gripping are defined by a series of undulations on the cutting blade that curve from side-to-side.

Parodi cannot correct the deficiencies of the cited art as Parodi (1) fails to teach a metallic cutting blade or a cutting blade at all, (2) fails to teach a metallic cutting blade, or any metallic structure at all, affixed to the balloon, and (3) fails to teach a structure including means for cutting, means for gripping, and having a cross-sectional shape that is substantially triangular in a plane transverse to the longitudinal axis. Stated another way, because Parodi fails to teach or suggest a metallic cutting blade or any metallic structure whatsoever affixed to the balloon, the teachings therein cannot be properly combined with Vigil et al. to arrive at the claimed metallic cutting blade. Indeed, the teachings of Parodi would only appear to inspire one of ordinary skill in the art to alter the exterior surface of the balloon in Vigil et al. and not a metallic cutting blade. Consequently, combining the teachings thereof with Vigil et al. would fail to teach or suggest the claimed metallic cutting blade.

Furthermore, the Examiner indicated that “[i]t would have been obvious ... to modify the traction region as taught by Vigil et al. with the traction region defined by a series of undulations curving from side to side relative to the longitudinal axis in the cutting members as taught by Parodi for the purposes of a nonskidding balloon surface that minimizes trauma to the whole endothelium”. Regardless of whether or not this is true, the cited art (either alone or in combination) still does not teach a cutting blade that includes all of the claimed features. For example, Vigil et al. fail to teach a cutting blade that includes the claimed undulations. Parodi fails to teach a metallic cutting blade (or any metallic structure) affixed to the balloon. Accordingly, nothing in Parodi provides a blueprint for how to alter a metallic cutting blade as Parodi fails to teach anything about metallic cutting blades. Because of this, the cited art cannot be properly combined to render the claimed invention obvious.

Based on these distinctions, Applicants respectfully submit that claim 15 is patentable over the cited art.

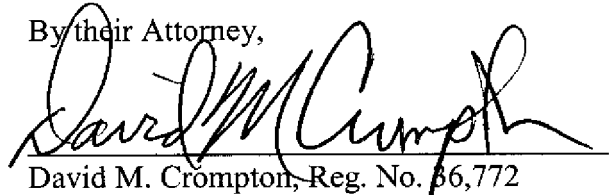
Conclusion

Reexamination and reconsideration are requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is also respectfully requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

Karen M. Cheves et al.

By their Attorney,

A handwritten signature in black ink, appearing to read "David M. Crompton", written over a horizontal line.

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